

FILED  
ELECTRONICALLY

10/10/06

STUTMAN, TREISTER & GLATT, P.C.  
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*Counsel for the Official Committee of Equity Security Holders of  
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: ) BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE COMPANY ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10726-LBR  
USA CAPITAL REALTY ADVISORS, LLC, ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10727-LBR  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10728-LBR  
USA CAPITAL FIRST TRUST DEED FUND, LLC, ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10729-LBR  
USA SECURITIES, LLC, ) Chapter 11  
Debtor. )

**Affects**

- ☐ All Debtors )  
☐ USA Commercial Mortgage Co. )  
☐ USA Securities, LLC )  
☐ USA Capital Realty Advisors, LLC )  
☐ USA Capital Diversified Trust Deed )  
☒ USA First Trust Deed Fund, LLC )

Date: September 28, 2006  
Time: 9:30 a.m.

**NOTICE OF ENTRY OF ORDER APPROVING FIRST INTERIM FEE  
APPLICATION OF STUTMAN, TREISTER & GLATT, P.C.**

1 PLEASE TAKE NOTICE THAT an Order Approving First Interim Fee Application  
2 of Stutman, Treister & Glatt was entered on the 10th day of October, 2006, a true and correct  
3 copy of which is attached hereto.

4 DATED this 10 day of October, 2006.  
5

6 SHEA & CARLYON, LTD.

7 

8 CANDACE C. CARLYON, ESQ

9 Nevada Bar No. 0002666

10 JAMES PATRICK SHEA, ESQ.

11 Nevada Bar No. 000405

12 SHLOMO S. SHERMAN, ESQ.

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14 233 S. Fourth Street, 2<sup>nd</sup> Floor

15 Las Vegas, NV 89101

16 and

17 STUTMAN, TREISTER & GLATT, P.C.

18 FRANK A. MEROLA

19 EVE H. KARASIK

20 CHRISTINE M. PAJAK

21 1901 Avenue of the Stars, 12<sup>th</sup> Floor

22 Los Angeles, CA 90067

23 Counsel for the FTDF Committee  
24  
25  
26  
27  
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Entered on Docket  
October 10, 2006

*Linda B. Riegle*

Hon. Linda B. Riegle  
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA  
(CA State Bar No. 136934)  
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USA Capital First Trust Deed Fund, LLC*

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In re:	) BK-S-06-10725-LBR
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Debtor.	)
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USA CAPITAL FIRST TRUST DEED FUND, LLC,	) Chapter 11
Debtor.	)
In re:	) BK-S-06-10729-LBR
USA SECURITIES, LLC,	) Chapter 11
Debtor.	)

**ORDER APPROVING FIRST INTERIM FEE APPLICATION OF STUTMAN,  
TREISTER & GLATT, P.C.**

1 Affects )

2 ☐ All Debtors )

3 ☐ USA Commercial Mortgage Co. )

4 ☐ USA Securities, LLC )

5 ☐ USA Capital Realty Advisors, LLC )

6 ☐ USA Capital Diversified Trust Deed )

7 ☒ USA First Trust Deed Fund, LLC )

Date: September 28, 2006

Time: 9:30 a.m.

8 **ORDER APPROVING FIRST INTERIM APPLICATION OF STUTMAN, TREISTER**  
 9 **& GLATT P.C. AS COUNSEL FOR THE OFFICIAL COMMITTEE OF EQUITY**  
 10 **SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC FOR**  
 11 **ALLOWANCE AND PAYMENT OF FEES AND EXPENSES FOR THE PERIOD**  
 12 **FROM MAY 10, 2006 THROUGH JULY 31, 2006**  
 13 **(AFFECTS DEBTOR USA CAPITAL FIRST TRUST DEED FUND, LLC)**

14 The Court having considered the "First Interim Application of Stutman, Treister &  
 15 Glatt, P.C. As Counsel For The Official Committee Of Equity Security Holders Of USA  
 16 Capital First Trust Deed Fund, LLC For Allowance And Payment Of Fees And Expenses For  
 17 the Period From May 10, 2006 Through July 31, 2006" (the "Application") filed by Stutman,  
 18 Treister & Glatt, P.C. (the "Applicant" or "ST&G"); having reviewed the pleadings, papers  
 19 and records on file in this matter; having considered the arguments of counsel, finds that:

20 (i) it has jurisdiction over the matters raised in the Application pursuant to  
 21 28 U.S.C. §§ 157 and 1334;

22 (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2);

23 (iii) notice of the Application was appropriate under the circumstances;

24 (iv) pursuant to an agreement with the Office of the United States Trustee  
 25 (the "OUST") resolving "The United States Trustee's Objection To The Initial Monthly  
 26 Statement of Stutman, Treister & Glatt P.C." (the "OUST Objection"), the Applicant will  
 27 defer its request for allowance and payment of \$4,075.00 in fees identified in OUST Objection  
 28 (the "Deferred Fees") and will forego allowance and payment of \$737.37 in certain costs  
 pertaining to "Airport Transportation" and "Document Processing" identified in the OUST  
 Objection;

1 (v) all objections to the Application have been considered and either  
2 overruled or otherwise resolved; and

3 (vi) upon the record herein after due deliberation thereon, it appearing that  
4 good and sufficient cause exists for the granting of the relief as set forth herein,  
5

6 **IT IS HEREBY ORDERED** that:

7 1. The Application is granted as set forth below subject to the Court's  
8 Administrative Order Establishing Procedures for Interim Compensation and Reimbursement  
9 of Expenses of Professionals entered August 29, 2006 [Docket No. 1202] and as reflected in  
10 the record of the hearing.

11 2. ST&G is hereby allowed \$559,263.50 as interim compensation for  
12 services rendered for the period May 10, 2006 through July 31, 2006 (the "First Interim  
13 Period").

14 3. ST&G is hereby allowed interim reimbursement of costs in the sum of  
15 \$31,599.14 for the First Interim Period.

16 4. All of ST&G's rights are reserved with respect to seeking allowance  
17 and payment of the Deferred Fees at the hearing for final approval of the Applicant's  
18 compensation in this case.

19 5. USA Capital First Trust Deed Fund, LLC is hereby authorized and  
20 directed to pay forthwith to ST&G the unpaid balance of ST&G's allowed interim fees and  
21 expenses for the First Interim Period.  
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1 SUBMITTED BY:

2 STUTMAN, TREISTER & GLATT, P.C.

3 

4 Frank A. Merola Esq.

5 Eve H. Karasik, Esq.

6 Andrew M. Parlen, Esq.

7 1901 Avenue of the Stars, 12th Floor

8 Los Angeles, CA 90067

9 Counsel for the Official Committee of Equity  
10 Security Holders of USA Capital First Trust  
11 Deed Fund, LLC

12 APPROVED/DISAPPROVED:

13 OFFICE OF THE U.S. TRUSTEE

14

15

16 Scott Farrow, Esq.

17 600 Las Vegas Blvd. So., #430

18 Las Vegas, NV 89101

19

20 Counsel for the United States Trustee

21

22

23

24

25

26

27

28

1 SUBMITTED BY:

2 STUTMAN, TREISTER & GLATT, P.C.

3  
4 Frank A. Merola Esq.

5 Eve H. Karasik, Esq.

6 Andrew M. Parlen, Esq.

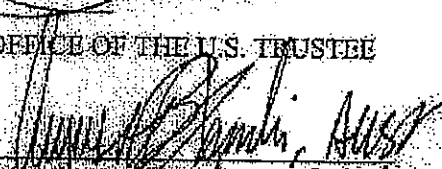
7 1901 Avenue of the Stars, 12th Floor

8 Los Angeles, CA 90067

9 Counsel for the Official Committee of Equity  
10 Security Holders of USA Capital First Trust  
11 Deed Fund, LLC

12 APPROVED / DISAPPROVED:

13 OFFICE OF THE U.S. TRUSTEE

14   
15 Scott Brown, Esq. August B. Lando  
16 300 Las Vegas Blvd. So., #4300  
Las Vegas, NV 89101

17 Counsel for the United States Trustee  
18  
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20  
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**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

☐ The Court waived the requirements of LR 9021.

☒ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

☒ approved the form of this order; or

☒ waived the right to review this order; and/or


☐ failed to file and serve papers in accordance with LR 9021(c).

☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:

☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 4<sup>th</sup> day of October, 2006.

STUTMAN, TREISTER & GLATT, P.C.

  
ANDREW M. PARLEN, ESQ.  
1901 Avenue of the Stars, 12th Floor  
Los Angeles, CA 90067

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